

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
PAUL W. GRIMM
UNITED STATES MAGISTRATE JUDGE

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March 30, 2006

RE: *EEOC v. LA Weight Loss*
WDQ-02-648

LETTER ORDER

Dear Counsel:

The above-referenced case has been re-referred to me by Judge Quarles for all discovery matters and related scheduling. Paper No. 151.

Pending and ripe for decision is the Defendant ("LAWL")'s motion to compel answers to interrogatories 32 and 33. Paper nos. 145, 147, 149, 150, 152¹. For the following reasons the motion is granted in part and denied in part.

Despite the Plaintiff ("EEOC")'s assertion that the interrogatories in issue seek disclosure of opinion work product in violation of Rule 26(b)(3), interrogatories 32 and 33, properly recast, are contention interrogatories that are specifically permitted by Fed. R. Civ. P. ("Rule") 33(c). This court has recognized that contention interrogatories are appropriate vehicles for discovering relevant information in civil actions. *Lee v. Flagstaff*, 173 F.R.D. 651, 653 n. 2 (1997); *see also Jones v. Goldstein*, 41 F.R.D. 271 (D.Md. 1966).

I do agree with the EEOC that, as interposed, the dual interrogatories are overly broad. Instead, it will be required to answer the following interrogatory: **"If the EEOC contends that LAWL interviewed/hired female applicants with the same or substantially similar qualifications as male applicants who were not interviewed/hired, and that such activity constitutes a pattern and practice of discrimination, identify those female applicants"**. The EEOC is not required to provide the information requested in interrogatory 33. If it identifies the document by specific discovery identification number, the EEOC may avail itself of Rule 33(d), provided that the EEOC has not already assembled this information, and the burden of doing so by reviewing the records is the same for both parties.

Unless otherwise ordered by the court or agreed by the parties this discovery will be provided within 30 days of this order. No costs or attorney's fees shall be awarded. This is an order of the court and will be filed as such by the Clerk.

/s/

Paul W. Grimm
United States Magistrate Judge

¹ Counsel are to be commended for filing Paper No. 150 which specifically identifies the narrowed dispute and page references in the memoranda discussing the interrogatories (as is required by Local Rule 104.7), which substantially facilitated the court's resolution of this dispute, and for which the court is extremely grateful.